

LEONARD FRYE,  
  
Plaintiff,  
  
vs.  
  
CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,  
  
Defendant.

ORDER OF REMAND

Sentence four of 42 U.S.C. § 405(g) provides in pertinent part, “[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Defendant requests that the Court vacate her decision and remand for further administrative proceedings. The Plaintiff consents to the Defendant’s motion.

**IT IS, THEREFORE, ORDERED** that Defendant's motion to vacate and remand pursuant to sentence four of 42 U.S.C. § 405(g) [Doc. 14] is hereby **GRANTED**.

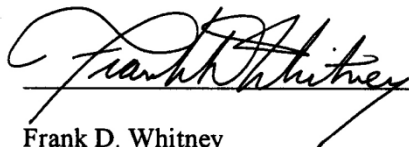
**IT IS FURTHER ORDERED** that the decision of the Commissioner of Social Security is hereby **VACATED** and the case is **REMANDED**.

**IT IS FURTHER ORDERED** that upon remand the Appeals Council will direct the administrative law judge (“ALJ”) to re-evaluate the Plaintiff’s maximum residual functional capacity, and, if necessary, obtain medical opinion evidence on the Plaintiff’s functional limitations. If warranted by the expanded record, the ALJ will also obtain supplemental vocational expert evidence to evaluate whether the Plaintiff is able to perform other jobs existing in significant numbers in the national economy.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case, and all pending motions should be terminated as moot.

**IT IS SO ORDERED.**

Signed: May 21, 2013

  
Frank D. Whitney  
United States District Judge

